

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Notice of Public Hearing and Notice of Issuance of a Complaint
Administrative Civil Liability Complaint No. R1-2009-0018

For
Violation of Waste Discharge Requirements
Order No. R1-2004-0055
NPDES No. CA0022870

In the Matter of
Mendocino City Community Services District
Wastewater Treatment Facility
WDID No. 1B83129OMEN

Mendocino County

On February 25, 2009, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2009-0018 (Complaint) to Mendocino City Community Services District (Discharger). The Complaint proposes mandatory minimum penalties, pursuant to Water Code section 13385, subdivisions (h) and (i), in the amount of \$3,000 for alleged effluent limitation violations of Waste Discharge Requirements (WDRs) Order No. R1-2004-0055 (NPDES No. CA0022870) for the period of July 27, 2007 through January 31, 2009. It also proposes no liability for a wastewater spill from the sewage pipeline that occurred during storm drain replacement activities; the spill did not reach surface waters, and the Discharger addressed the spill promptly.

Opportunity for Settlement Without a Public Hearing

A public comment period has commenced beginning on the date of this notice and ending March 27, 2009. This matter may be settled without a hearing if no significant comments are received during the comment period and if the Discharger waives the hearing and agrees to pay the full amount of proposed civil liability. The Assistant Executive Officer will consider comments received and either finalize the settlement or take other appropriate action.

Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the right to a hearing, the Regional Water Board will hold a public hearing on this matter on April 23, 2009 at 9:00 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about April 1, 2009. The hearing is scheduled to be held in the Fortuna River Lodge Conference Center, Chinook Room, 1800 Riverwalk Drive, Fortuna, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed ACL, or take other enforcement action.

If the Discharger or interested persons would like the Regional Water Board to consider technical reports, testimony, and other evidentiary material concerning this issue, written copies of such documentation must be submitted to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403 by 5:00 p.m. on March 27, 2009. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by March 27, 2009. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than ten minutes each for Regional Water Board staff and the Discharger and three minutes each for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Complaint is available for review on the Regional Water Board web site at http://water100.waterboards.ca.gov/rb1/adopted_orders/. That document, as well as the other evidentiary documents and file, may be inspected or copied at the Regional Water Board office on Mondays through Fridays from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Manuel Baldenegro at (707) 576-6727 or email at mbaldenegro@waterboards.ca.gov.

Luis G. Rivera
Assistant Executive Officer

February 25, 2009

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